

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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ROSA SMAJLAJ, ET AL.,

Plaintiffs on  
behalf of themselves and all  
others similarly situated,

v.

CAMPBELL SOUP COMPANY &  
CAMPBELL SALES COMPANY,

Defendants.

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HON. JEROME B. SIMANDLE

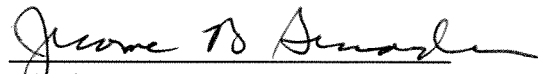
Civil Action  
No. 10-1332 (JBS/AMD)

**ORDER**

This matter is before the Court upon a motion to dismiss by Defendant Campbell Soup Company [Docket Item 7]. Plaintiffs have subsequently filed an Amended Complaint as of right under Rule 15(a)(1)(B), Fed. R. Civ. P., by filing within 21 days of the first responsive pleading. [Docket Item 11.] This amendment has both displaced the pleading that is the subject of the motion, and altered the relevant allegations in material ways, so Defendant's motion is now moot;

THEREFORE IT IS this 18<sup>th</sup> day of **June, 2009** hereby

ORDERED that Defendant's motion to dismiss [Docket Item 7] is **DISMISSED** as moot, without prejudice to Defendant filing a motion to dismiss Plaintiffs' Amended Complaint.

  
JEROME B. SIMANDLE  
U.S. District Judge